THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 8392 of 2005

DATED : 22..09..2005.

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BETWEEN:

Bonda Kanaka Mahalakshmi,

W/o. Bonda Arjuna Rao,

Hindu, Aged about 25 years,

R/o.Yelamanchili, Visakhapatnam District

…Petitioner

and

The Station House Officer,

Yelamanchili Town P.S.,

Yelamanchili,

Visakhapatnam District.

…Respondent

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 8392 of 2005

ORDER:

Declaring the action of the respondents in interfering with the personal life of the petitioner with a threat of arrest in connection with Cr.No.7/2005 as arbitrary and illegal and violative of Article 21 of the Constitution of India, the present writ petition has been filed.

The grievance of the petitioner is that her name was not shown properly in the first information report and there is no allegation against the petitioner herein and

therefore, she cannot be arrested.

But during the course of investigation, the respondents have filed a detailed counter stating the petitioner herein is A-4 in Cr.No.7/2005 under Section 498-A of Indian Penal Code and Section 4 of Dowry Prohibition Act.

Though it is stated by the petitioner that the respondents never tried to arrest her but once the petitioner is shown as accused, the police have got a right to arrest her if the offence in the said crime is a cognizable offence.

As could be seen from the counter-affidavit, it is apparent that the petitioner is one of the accused in Cr.No.7/2005 under Section 498-A of I.P.C. If that being the case, it is for the Investigating Officer to proceed against the petitioner, as per the investigation. Therefore, since the petitioner is one of the accused in the above crime, the question of the respondents interfering with the liberty of the petitioner does not arise. Hence this writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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K.C.BHANU, J.

Dated: 22..09..2005.

RNS